

ESTTA Tracking number: **ESTTA220058**

Filing date: **06/24/2008**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91184667
Party	Defendant Kesselman, Joshua
Correspondence Address	BBK Tobacco & Foods BBK Tobacco & Foods 3315-B W Buckeye Rd Phoenix, AZ 85009 UNITED STATES
Submission	Answer
Filer's Name	Joshua D. Kesselman
Filer's e-mail	marks@hbiinternational.com
Signature	/Joshua D. Kesselman/
Date	06/24/2008
Attachments	EFFEN Answer_0001.pdf (4 pages)(175821 bytes)

In the Matter of Trademark Applicant:)
Joshua Kesselman)
Serial No.	: 77/229,067)
Filed	: July 13, 2007)
Mark	: EFFEN)

CONSTELLATION SPIRITS INC. (f/k/a
PLANET 10 SPIRITS, LLC)
Opposer,

v.

JOSHUA D. KESSELMAN
Applicant.

APPLICANT'S ANSWER TO THE NOTICE OF OPPOSITION

1. Applicant has insufficient knowledge or information as to the truth as to the truth of the allegations set forth in Paragraph 1 of the Notice of Opposition, and therefore, denies said allegations.

2. Applicant has insufficient knowledge or information as to the truth as to the truth of the allegations set forth in Paragraph 2 of the Notice of Opposition, and therefore, denies said allegations.
3. Applicant has insufficient knowledge or information as to the truth as to the truth of the allegations set forth in Paragraph 3 of the Notice of Opposition, and therefore, denies said allegations.
4. Applicant has insufficient knowledge or information as to the truth as to the truth of the allegations set forth in Paragraph 4 of the Notice of Opposition, and therefore, denies said allegations.
5. Applicant has insufficient knowledge or information as to the truth as to the truth of the allegations set forth in Paragraph 5 of the Notice of Opposition, and therefore, denies said allegations.
6. The allegations set forth in Paragraph 6 of the Notice of Opposition are denied.
7. The allegations set forth in Paragraph 7 of the Notice of Opposition are denied.
8. The allegations set forth in Paragraph 8 of the Notice of Opposition are denied.
9. The allegations set forth in Paragraph 9 of the Notice of Opposition are denied.

AFFIRMATIVE DEFENSES

Defendant preserves all affirmative defenses that discovery in this matter shall reveal. Defendant intends to pursue any and all affirmative defenses that may be maintained under the facts and law of the case and does not intend to waive any affirmative defenses in this Answer.

WHEREFORE, Applicant requests that the present Notice of Opposition be dismissed with prejudice.

Respectfully Submitted,

Dated: June 24, 2008

By: 

Joshua D. Kesselman
3315 W. Buckeye Rd., Ste. B
Phoenix, AZ 85009
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Applicant

CERTIFICATE OF SERVICE

The undersigned certifies that on June 24, 2008 the foregoing Applicant's Answer to the Notice of Opposition, was served upon Opposer's Attorneys by depositing a copy of said document in the U.S. mail in an envelope addressed to:

Jeffrey H. Brown
Michael Best & Friedrich LLP
180 N. Stetson, Suite 2000
Chicago, IL 60601



Joshua D. Kesselman